

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EDC 18-01 Education
SPONSOR(S): Education Committee
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee	16 Y, 4 N	Brink	Hassell

SUMMARY ANALYSIS

The bill expands school choice options for parents and strengthens accountability by:

- Establishing the Reading Education Scholarship Account to provide students who scored Level I or II on 3rd grade English Language Arts (ELA) assessment with a scholarship toward services such as tutoring, summer school, and curriculum
- Streamlines monitoring and oversight provisions for scholarship programs and adds new accountability measures regarding site visits, parental notifications, and fiscal mismanagement
- Expands allowable uses of the Gardiner scholarship to include tutoring by a person with a baccalaureate degree in the subject matter area

The bill revises provisions related to curriculum and assessments by:

- Requiring the Florida Department of Education (DOE) to disseminate templates to assist schools in developing ELA and math curricula
- Requiring paper-based assessments for grades 7-8 in ELA and Math
- Incorporating Social Studies content into reading and writing prompts on state assessments
- Requiring released assessment items to be in an electronic format that facilitates sharing of assessment items
- Requiring school districts to provide Florida Virtual School (FLVS) students with access to district testing facilities for national assessments and industry certification exams

The bill revises certain provisions related to charter schools to:

- Allow charter schools to provide school administrator and principal preparation programs that lead to certification upon approval by DOE
- Allow charter schools to delay opening from 2 years to 3 years
- Require school districts to provide charter schools with access to surplus property on the same basis as public schools
- Require school districts to provide background screening results within 14 days for charter school employees or waive the fees for screening
- Revise eligibility for high performing schools to two consecutive "A" grades and allow high performing schools to replicate two schools
- Clarifies provisions relating to charter school terminations

The bill also:

- Expands the Principal Autonomy Pilot Program Initiative to a statewide program and allows trained principals to manage multiple district schools that operate under an independent governing board
- Expands a superintendent's duties to recommend specific schools to operate under a governing board
- Revises requirements related to home education and private school articulation agreements

See Fiscal Comments, *infra*.

The bill takes effect on July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Private Educational Choice Scholarship Programs

Present Situation

Current law allows parents of public school students to seek private school choice options under the John M. McKay Scholarships for Students with Disabilities Program (McKay), the Florida Tax Credit Scholarship Program (FTC), and the Gardiner Scholarship Program (GSP).¹

Under the McKay program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school.² Under the FTC, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous state fiscal year was placed, in foster care may seek a scholarship from an eligible nonprofit scholarship-funding organization.³

The GSP is available to students who are 3 or 4 years of age or are eligible to enroll in kindergarten through grade 12 in a public school, have an eligible disability,⁴ and are the subject of an IEP or have a diagnosis of an eligible disability from a physician or psychologist. Under the GSP, a parent may exercise his or her “parental option to determine the appropriate placement or the services that best meet the needs of his or her child.”⁵ GSP funds may be used to reimburse purchases of the following items or services:⁶

- Instructional materials
- Curriculum
- Specialized services including, but not limited to, applied behavior analysis services and services provided by speech-language pathologists, occupational therapists, physical therapists, and listening and spoken language specialists
- Enrollment in, or tuition or fees associated with enrollment in, an eligible private school, an eligible postsecondary educational institution, a private tutoring program, a virtual program offered by a department-approved private online provider, or a department-approved online course
- Fees for standardized assessments
- Contributions to the Stanley G. Tate Prepaid College Program
- Contracted services provided by a public school or school district⁷
- Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator’s certificate or who has demonstrated a mastery of subject area knowledge
- Fees for specialized summer education program

¹ Section 1002.20(6)(b), F.S.

² Section 1002.20(6)(b)1., F.S.; *see s. 1002.39, F.S.*

³ Section 1002.20(6)(b)2., F.S.; *see s. 1002.395, F.S.*

⁴ Eligible disabilities are autism; cerebral palsy; Down syndrome; an intellectual disability; Prader-Willi syndrome; Spina bifida; Williams syndrome; for a student ages 3-5, being a high-risk child; muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term “hospital or homebound” includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months. Section 1002.385(2)(d), F.S.

⁵ Section 1002.385(11), F.S.

⁶ *See s. 1002.385(5), F.S.*

⁷ A student who receives contracted public school services is not considered to be enrolled in a public school for eligibility purposes.

Section 1002.385(5)(g), F.S.

- Fees for specialized after-school education programs
- Transition services provided by job coaches
- For home education students, fees for an annual evaluation of educational progress by a state-certified teacher
- Tuition and fees for approved Voluntary Prekindergarten Education Program and school readiness providers
- Fees for services provided at a member center of the Professional Association of Therapeutic Horsemanship International
- Fees for services provided by a therapist certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.

Effect of Proposed Changes

The bill establishes the Reading Scholarship Program to provide funds for public school students who score a Level 1 or Level 2 on the Grade 3 statewide, standardized English language arts (ELA) assessment to purchase certain programs or services that will assist them in improving their reading skills. The scholarship must be offered on a first-come, first-served basis, contingent upon available funds.

In order to participate, the parent and student must:

- submit an application to an eligible scholarship funding organization by the deadline established by the scholarship funding organization;
- submit eligible expenses to the scholarship funding organization for reimbursement of qualifying expenditures, which may include:
 - instructional materials;
 - curriculum, which means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction;
 - tuition and fees for part-time tutoring services provided by a person who holds a baccalaureate degree in the subject area; a person who holds an adjunct teaching certificate;⁸ or a person who has demonstrated a mastery of subject area knowledge;⁹
 - fees for summer education programs;
 - fees for after-school education programs;
 - specialized services by approved providers or by a hospital in this state which are selected by the parent and may include, but are not limited to:
 - applied behavior analysis services;¹⁰
 - services provided by speech-language pathologists;¹¹
 - occupational therapy services;¹²
 - services provided by physical therapists;¹³
 - services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device; and
 - contributions to the Florida College Savings Program;¹⁴
- be responsible for the payment of all eligible expenses in excess of the amount in the account and the terms agreed to between the parent and the providers; and
- not receive any refund or rebate of any expenditures made in accordance with the purchase of allowable services.

⁸ See s. 1012.57, F.S.

⁹ See s. 1012.56(5), F.S.

¹⁰ See ss. 627.6686 and 641.31098, F.S.

¹¹ See s. 468.1125, F.S.

¹² See s. 468.203, F.S.

¹³ See s. 486.021, F.S.

¹⁴ See s. 1009.981, F.S.

The program must be administered by a scholarship funding organization (SFO) that is eligible to participate in the FTC.¹⁵ The organization may establish reading scholarship accounts for eligible students in accordance with current requirements of such organization, including but not limited to:

- Verification of eligible students
- Verification of eligible expenditures
- Applications for scholarships
- Issuing scholarships on a first-come, first-serve basis
- Complying with annual expenditure requirements¹⁶

Additionally, a participating SFO:

- may develop a system for payment of benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective;
- provide payments no less frequently than on a quarterly basis; and
- may receive up to 3 percent of the amount of each scholarship award from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit as required by law.¹⁷

When the assessment results for the Grade 3 statewide, standardized ELA assessment are reported, the school district must notify each parent whose student scored a Level 1 or Level 2 on the assessment of the process to request and receive a scholarship.

The bill provides the Department of Education (DOE) the same oversight responsibilities as those required in existing scholarship programs.¹⁸ The DOE must provide a student's scholarship funds to the organization once the organization has notified the DOE of a student's eligibility. The maximum amount of the scholarship for a student must be provided in the General Appropriations Act and 100 percent of the funds must be released to the DOE at the beginning of the first quarter of each fiscal year.

A student's scholarship account must be closed and any remaining funds, including, but not limited to, contributions to the Stanley G. Tate Florida Prepaid College Program or earnings from or contributions made to the Florida College Savings Program using program funds, revert to the state after:

- denial or revocation of program eligibility by the Commissioner of Education for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received; or
- three consecutive fiscal years in which an account has been inactive.

Private School Oversight and Accountability

Present Situation

Each specific statute establishing the McKay program, the FTC, and the GSP outlines the following:

- student eligibility criteria;
- private school eligibility and responsibilities;
- parent responsibilities;
- DOE responsibilities; and
- Commissioner of Education responsibilities.

¹⁵ See s. 1002.395(16), F.S.

¹⁶ See s. 1002.395(6), F.S.

¹⁷ See s. 1002.395(6)(m), F.S.

¹⁸ See ss. 1002.385(9), F.S., 1002.39(9), F.S., and 1002.395(9), F.S.

While student eligibility criteria is specific to each program, many of the requirements regarding private schools, DOE, and the commissioner are identical.¹⁹

Currently, s. 1002.421, F.S., outlines some of the common eligibility requirements and private school responsibilities. Specifically, it provides that a private school must be a Florida private school as defined in s. 1002.01(2), F.S., must be registered, and must:

- comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d;
- notify the DOE of its intent to participate in a scholarship program;
- notify the DOE of any change in the school's name, school director, mailing address, or physical location within 15 days after the change;
- complete student enrollment and attendance verification requirements, including use of an online attendance verification form, prior to scholarship payment;
- annually complete and submit to the DOE a notarized scholarship compliance statement certifying that all school employees and contracted personnel with direct student contact have undergone background screening pursuant to s. 943.0542, F.S.;
- demonstrate fiscal soundness and accountability;
- meet applicable state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety;
- employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught;
- require each employee and contracted personal with direct student conduct, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, F.S.;
- disqualify instructional personnel and school administrators who fail the background screening;
- adopt policies establishing standards of ethical conduct for instructional personnel and school administrators; and
- before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), F.S., and document the findings.²⁰

Requirements for the commissioner are similar throughout all three current scholarship programs and include the authority to:

- deny, suspend, or revoke a private school's participation in the program and to take other action as necessary to ensure compliance with the laws governing private schools participating in the program;
- deny, suspend, or revoke a private school's participation in the program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in Florida or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public; and
- immediately suspend payment of scholarship funds if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of the students or if there is fraudulent activity on the part of the private school.²¹

DOE responsibilities that are similar across all three programs include:

- annually verifying the eligibility of private schools;²²
- establishing a process that allows for individuals to notify DOE of violations of state law relating to program participation;²³

¹⁹ See ss. 1002.39, F.S., 1002.385, F.S., and 1002.395, F.S.

²⁰ Section 1002.421, F.S.

²¹ Sections 1002.385(10), F.S., 1002.39(7), F.S., and 1002.395(11), F.S.

²² Sections 1002.385(9)(a), F.S., 1002.39(6)(b), F.S., and 1002.395(9)(c), F.S.

- annually receiving and retaining from every participating private school a notarized, sworn compliance statement certifying compliance with state law,²⁴ and
- cross-checking the list of participating scholarship students with public school enrollment lists to avoid duplicate payments.²⁵

A number of stakeholders representing participating private schools, scholarship funding organizations, and the DOE brought several recommendations for strengthening the oversight and accountability of the scholarship programs to a the PreK-12 Innovation Subcommittee Meeting on December 6, 2017.²⁶ Subsequently, these recommendations were presented to the full Education Committee on January 18, 2018.²⁷

Effect of Proposed Changes

In order to provide clarity, transparency, and improve accountability, the bill:

- streamlines and consolidates private school eligibility, DOE obligations, and commissioner authority regarding the McKay, FTC, and GSP scholarship programs;
- applies requirements and responsibilities consistently across all three scholarship programs; and
- introduces new accountability measures and strengthens specific current requirements as recommended by stakeholders.

The bill combines all the common provisions regarding private school participation requirements, DOE obligations, and commissioner authority into the current common section of statute, s. 1002.421, F.S., and removes duplicative language in the individual program statutes.

In addition to the relocation of current requirements, the bill includes new accountability provisions presented before the Education Committee that:²⁸

- authorize DOE to conduct site visits to any school that has had a complaint filed regarding a violation of state law or state board rule;
- require DOE to coordinate with the entities conducting the health and fire inspections to obtain copies of the inspection reports directly from that entity, rather than the private school;
- require private schools to provide, at a minimum, written information to the parents regarding the school's services and programs, and the qualifications of classroom teachers;
- require private schools to provide the parent with a quarterly report of the student's progress, rather than just an annual report;
- require the owner or operator of a private school to meet the same background screening requirements as owners of SFOs and report results to DOE;
- require the owner or operator of a private school that intends to transfer ownership of the school to notify the parents at least 30 calendar days in advance of the transfer;
- prohibit an owner or operator that was deemed ineligible to participate from transferring ownership or management authority to a relative in order to continue participation in a scholarship program; and
- require a private school, if it receives more than \$250,000 in scholarship funds in any scholarship program, to submit an annual financial report to the SFO or DOE, as applicable.

²³ Sections 1002.385(9)(c), F.S., 1002.39(6)(c), F.S.; and 1002.395(9)(f), F.S.

²⁴ Sections 1002.385(9)(1002.39(6)(d), F.S.; and 1002.421(e), F.S.

²⁵ Sections 1002.385(9)(e), F.S., 1002.39(6)(e), F.S., and 1002.395(9)(h), F.S.

²⁶ PreK-12 Innovation Subcommittee Meeting, Dec. 6, 2017, available at: <https://thefloridachannel.org/videos/12-6-17-house-prek-12-innovation-subcommittee/>

²⁷ Florida House of Representatives; Education Committee Meeting, Jan. 18, 2018, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2906&Session=2018&DocumentType=Meeting%20Packets&FileName=edc%201-18-18.pdf>.

²⁸ *Id.*

The bill requires the State Board of Education (SBE) to adopt rules establishing deadlines for private school applications and timelines for site visits.

Owners or operators of a participating private school will continue to undergo state and national background screening requirements; however, in addition to the offenses listed in s. 435.04, F.S., the results will also be screened against offenses, including, but not limited to: fraud; forgery; and criminal use of personal identification information. Owners or operators who fail the background screening requirements are not eligible to participate in a scholarship program.

A private school that fails to meet the requirements of s. 1002.421, F.S., fails to meet a specific requirement pertaining to an individual scholarship program, or has consecutive years of material exceptions in their annual financial report, may be deemed ineligible to participate in a scholarship program under Chapter 1002, F.S.

In addition to conforming changes in the GSP, the bill revises the list of allowable expenditures by providing that GSP funds may be used for:

- tuition or fees associated with full-time or part-time enrollment in an eligible private school; and
- part-time tutoring services provided by a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given.

Currently, the law specifically references the Learning Systems Institute at Florida State University as the agency responsible for conducting the annual student achievement report required under the FTC program. The bill replaces the reference to the Learning System Institute with "state university." It also reduces the annual project appropriation from \$500,000 per year to \$250,000 per year.

Statewide Assessment Program

Present Situation

The statewide assessment program for Florida's public schools includes statewide, standardized assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment (grades 5 and 8).²⁹ The assessments measure the extent to which students have mastered Florida's academic content standards: the Next-Generation Sunshine State Standards (NGSSS), including Florida Standards for ELA and math.³⁰ The grade-level ELA and math assessments and Algebra I and Geometry EOC assessments are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30 percent of a student's final course grade.³¹ Results from the assessments are used to calculate school grades and school improvement ratings³² and determine student readiness for promotion to 4th grade and high school graduation.³³ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.³⁴

In 2017, the Legislature amended the law to reduce the assessment burden on public schools. Specifically, the Legislature eliminated the Algebra II end-of-course assessment and required that all statewide, standardized ELA and math assessments in grades 3 through 6 must be delivered only in a paper-based format no later than the 2018-2019 school year.³⁵ As of the

²⁹ Sections 1008.22(3), 1003.4156, and 1003.4282, F.S. (2017) Retake administrations are offered for the Grade 10 FSA ELA and Algebra I EOC assessment.

³⁰ See Florida Department of Education, *ESEA Flexibility Request* (August 21, 2015) at 98, available at <http://www.fldoe.org/core/fileparse.php/5637/urlt/15WaiverRenewalESEA.pdf>.

³¹ Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

³² See ss. 1008.34 and 1008.341, F.S.

³³ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

³⁴ See s. 1012.34(3)(a)1., F.S.; rule 6A-5.030(2)(a), F.A.C.

³⁵ See s. 35, ch. 2017-116, L.O.F., codified at s. 1008.22(3), F.S. (2017).

2017-2018 school year all assessments, except the statewide, standardized Grade 3 ELA assessment, the writing portion of the ELA assessment for grades 4 through 7, and the science assessments for grades 5 and 8, are administered on computers.³⁶

In addition, the DOE must publish each statewide, standardized assessment and statewide EOC assessment on the DOE's website, excluding retake and alternate assessments, at least once every three years.³⁷ When published, each assessment must have been administered during the most recent school year. The law allows the commissioner to determine the schedule for publishing assessments during the 3- year period; however, subject to appropriation, the initial publication must occur no later than June 30, 2021, and must include the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.³⁸ The DOE, as part of the next procurement of assessments, must solicit cost proposals for publication of assessments. The DOE must also publish materials on its website to help the public interpret the published assessment information.³⁹

Effect of Proposed Changes

The bill specifies that the statewide, standardized assessments published by the DOE must be published in a format that facilitates sharing of assessment items. The bill also expands the requirement that all statewide, standardized ELA and math assessments in grades 3 through 6 be paper based by the 2018-2019 school year to include grades 7 and 8.

To increase the focus on developing student literacy skills through content-rich curriculum and instruction, the bill requires that reading passages and writing prompts used in statewide, standardized ELA assessments incorporate grade-level Social Studies core curricular content.

Professional Development and Curriculum

Present Situation

Currently, the DOE publishes test specification sheets that identify standards that are measured through the statewide, standardized assessments.⁴⁰ However, the specification sheets are not designed to assist with the development, selection, or implementation of curriculum. The 2017 Legislature took initial steps to help school districts implement standards-based curricula to develop core knowledge and literacy skills by requiring the Just Read, Florida! Office to:

develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' background knowledge and literacy skills, including student attainment of the Next Generation Sunshine State Standards for social studies, science, and the arts.⁴¹

Florida law requires a number of entities, including the DOE, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.⁴²

³⁶ See Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 7069* (2017).

³⁷ See s. 35, ch. 2017-116, L.O.F., *codified at* s. 1008.22(8), F.S. (2017).

³⁸ See *id.*

³⁹ See *id.*

⁴⁰ See, e.g., Florida Department of Education, *DRAFT Grade 4 Mathematics Item Specifications* (Nov. 2017), available at https://fsassessments.org/assets/documents/Math_G4_FSA-Item-Specifications_v5_101617.pdf.

⁴¹ Section 15, ch. 2017-116, L.O.F., *codified at* s. 1001.215(4), F.S. (2017).

⁴² Section 1012.98(1), F.S.

Part of the DOE's responsibility in the professional development system is to disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs.⁴³ At least one method of dissemination must be through a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.⁴⁴ In addition, the DOE must disseminate, using the web-based statewide performance-support system, proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, meeting identified school needs, and providing effective teacher mentorship activities.⁴⁵ The DOE must also disseminate, using web-based technology, research-based best practice methods by which the state and district school boards may evaluate and improve the professional development system.⁴⁶

Effect of Proposed Changes

To help school districts and teachers plan and implement effective, standards-based curricula, the bill requires that professional development resources disseminated through the web-based statewide performance-support system include sample course-at-a-glance and unit overview templates that school districts may use when developing curricula. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st Century skills that build toward mastery at each grade level.

Each template must support teaching to greater intellectual depth and:

- provide course or year-long sequencing of concept-based unit overviews based on the Florida Standards;
- describe the knowledge and vocabulary required within the standards;
- promote the instructional shifts required within the standards; and
- illustrate the interdependence of grade level expectations within and across content areas within a grade.

Charter Schools

School Leader Preparation Programs

Present Situation

The law requires the SBE to classify school services, designate certification subject areas, establish competencies for certification, and establish certification requirements for all school-based personnel.⁴⁷ In Florida, aspiring school administrators⁴⁸ must complete a state-approved school leader preparation program and attain certification as an educational leader.⁴⁹

The law establishes two classes of certification for school administrators – educational leadership and school principal. There are two types of school leader preparation programs:

⁴³ Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <https://www.floridaschoolleaders.org>.

⁴⁴ *Id.*

⁴⁵ Section 1012.98(11), F.S.

⁴⁶ Section 1012.98(7), F.S.

⁴⁷ Section 1012.55(1)(b), F.S.

⁴⁸ School administrators include school principals, school directors, and assistant principals. *See* s. 1012.01(3)(c), F.S.

⁴⁹ *See* s. 1012.55(1)(b), F.S.; rule 6A-4.0081, F.A.C.

- Level I programs are offered by school districts and postsecondary institutions and lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators.
- Level II programs are offered by school districts, build upon Level I training, and lead to certification as a school principal.⁵⁰

DOE must establish a process for the approval and renewal of Level I and Level II school leader preparation programs.⁵¹ Initial approval of a Level I or Level II program lasts for 5 years and must be approved by the DOE. Program proposals may be submitted by a postsecondary institution or school district.⁵²

Effect of Proposed Changes

The bill allows charter schools and charter management organizations to submit applications to establish Level I and Level II leader preparation programs or program renewals.

Deferral of Opening

Present Situation

Once a charter school application is approved, the initial startup commences with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

Effect of Proposed Changes

The bill allows a charter school to defer opening for up to 3 years, rather than two.

Surplus Facilities

Present Situation

If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it must be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district.⁵³

Tangible personal property that has been properly classified as surplus by a district school board must be disposed of in accordance with current surplus property requirements.⁵⁴ The district may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies by sale or donation. If no acceptable bid is received within a reasonable time, then the property must be offered directly to such governmental units for sale or donation.⁵⁵

⁵⁰ *Id.*

⁵¹ Section 1012.562, F.S.

⁵² Section 1012.562(2) and (3), F.S.

⁵³ Section 1002.33(18)(e), F.S.

⁵⁴ Section 1013.28 (2)(a), F.S.

⁵⁵ Section 274.05, F.S.

Effect of Proposed Changes

The bill requires that tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board must be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving such property may not sell or dispose of the property without written permission of the school district.

High-Performing Charter Schools

Present Situation

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn "high-performing" status.⁵⁶ A high-performing charter school is a charter school that during each of the three previous years:

- received at least two school grades of "A" and no school grade below "B;"
- has received an unqualified opinion⁵⁷ on each annual financial audit; and
- has not received an annual financial audit that reveals a financial emergency condition.⁵⁸

Initial eligibility for "high-performing" status is verified by the Commissioner of Education, upon request by a charter school. Thereafter, the commissioner must annually verify continued eligibility.⁵⁹

High-performing charter schools may take advantage of various benefits. Among other benefits, the operator of a high-performing charter school may submit an application in any Florida school district to establish and operate a new charter school that substantially replicates one of its high-performing charter schools. The application process for such applications is streamlined to expedite approval.⁶⁰ A high-performing charter school may not be replicated more than once in any given year and may not replicate again until the new charter school achieves "high-performing" status.⁶¹ Systems may replicate their high-performing charter schools using the same process applicable to high-performing charter schools.⁶² Additionally, a high-performing charter school may have the term of its charter extended to up to 15 years.⁶³

A high-performing charter school may increase the school's enrollment once per year to more than the capacity identified in the charter and expand grade levels within kindergarten through grade 12 to add grade levels not already served as long as the increase in enrollment in either case does not exceed the current facility capacity.⁶⁴

Effect of Proposed Changes

The bill revises the criteria determining a high-quality charter school by also allowing a school that receives two consecutive grades of "A" to be determined a high-performing charter school. It allows a high-performing charter school to replicate up to two new schools that substantially replicate one of its high-performing schools. For those schools qualifying under the two consecutive grades of "A" provision, the bill revises the financial eligibility requirements to require only 2 years of financial audits that received an unqualified opinion and no state of financial emergency.

⁵⁶ Section 1002.331(1), F.S.; *see s. 218.503(1), F.S.* (financial emergency conditions).

⁵⁷ An unqualified audit opinion means that the charter school's financial statements are materially correct. Telephone interview with Florida Auditor General staff (Mar. 24, 2011).

⁵⁸ Section 1002.331(1), F.S.; *see s. 218.503(1), F.S.* (financial emergency conditions).

⁵⁹ Sections 1002.331(5) and 1002.332(2)(a), F.S.

⁶⁰ Section 1002.331(2), F.S.

⁶¹ Section 1002.331(3)(b), F.S.

⁶² Section 1002.332(2), F.S.

⁶³ Section 1002.331(4), F.S.

⁶⁴ Section 1002.331(2)(a) and (b), F.S.

The bill clarifies that the increase in student enrollment may occur as long as it does not exceed the capacity of the facility at the time of enrollment, rather than the original capacity of the facility, allowing a charter school that has expanded its original facility or has access to additional facilities, to increase enrollment without being limited to the original facility capacity.

The bill also provides that facility capacity for purposes of grade level expansion must include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.

Charter School Contracts

Present Situation

Each charter school must enter into a performance contract with its sponsor, known as a charter. The charter lists specific objectives that the charter school must meet to remain in operation. The terms of the charter must be negotiated by the applicant and sponsor within 30 days after approval of the application. The parties then have 40 days to finalize the charter.⁶⁵ The initial term of a charter is 4 or 5 years and must include specific requirements provided in law.⁶⁶

A sponsor must make student academic achievement for all students the most important factor when determining whether to renew or terminate a contract. The sponsor may also terminate or not renew a charter for any of the following reasons:

- failure to participate in the state's education accountability system or meet the requirements for student performance stated in the charter;
- failure to meet generally accepted standards of financial management;
- a violation of law; or
- other good cause shown.⁶⁷

At least 90 days before renewing, nonrenewing, or terminating a charter, the sponsor must notify the governing board of the school of the proposed action in writing and stipulate that the school's governing board, within 14 calendar days of receiving the notice, may request a hearing that is conducted at the sponsor's election in accordance with either of the following procedures:

- A direct hearing conducted by the sponsor within 60 days after receipt of the request for a hearing. The hearing must be conducted in accordance with ss. 120.569 and 120.57, F.S. The sponsor shall decide upon nonrenewal or termination by a majority vote, and the sponsor's decision shall be a final order; or
- A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings, conducted within 60 days after receipt of the request for a hearing and in accordance with chapter 120, F.S.. The administrative law judge's recommended order shall be submitted to the sponsor. The sponsor, by a majority vote is required to adopt or modify the administrative law judge's recommended order and issue a final order.⁶⁸

The sponsor must state the specific reasons for the decision in the final order and provide the final order to the charter school's governing board and DOE no later than 10 calendar days after its issuance. The charter school's governing board may, within 30 calendar days of receiving the final order, appeal the decisions pursuant to s. 120.68, F.S.⁶⁹

⁶⁵ Section 1002.33(6)(h), F.S.

⁶⁶ Section 1002.33(7), F.S.

⁶⁷ Section 1002.33(8)(a), F.S.

⁶⁸ Section 1002.33(8)(b), F.S.

⁶⁹ Section 1002.33(8)(c), F.S.

Effect of Proposed Changes

The bill revises the initial term of a charter to 5 years. The bill allows a planning period of 1 year in addition to the 5-year charter.

The bill specifies that, in the event of a termination or nonrenewal, the sponsor must have clear and convincing evidence that one of the disqualifying factors occurred. The bill also specifies that a violation of law must be material in order to constitute a disqualifying factor.

The bill revises the hearing procedures once a charter school receives its notice of termination or nonrenewal by removing the option for the school district to conduct a direct hearing. The hearing shall be conducted by an administrative law judge within 90 days after receipt of the request for a hearing, and the administrative law judge shall issue the final order. The administrative law judge must also award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals.

The charter school governing board may, within 30 calendar days after receiving the judge's final order, appeal the decision pursuant to s. 120.68, F.S.

Services

Present Situation

Currently, a school district can provide goods and services to a charter school through a contract with the school district. The services must be provided to the charter school at a rate no greater than the actual cost to the district unless mutually agreed upon in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made for a dispute resolution hearing before the Charter School Appeal Commission.⁷⁰

Effect of Proposed Changes

If a dispute regarding a contract to provide goods and services cannot be resolved through mediation, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings, rather than the Charter School Appeals Commission. The administrative law judge has final order authority to rule on the dispute and shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the non-prevailing party.

Background Screening

Present Situation

Instructional and noninstructional personnel who are employed or contracted to fill positions in a charter school and members of the charter school governing board must undergo a Level 2 background screening.⁷¹ Level 2 background screening is a state and national fingerprint-based criminal history check conducted to determine whether an individual has a criminal history and, if so, whether such history contains one or more statutorily designated offenses that disqualify an individual from

⁷⁰ Section 1002.33(20)(b), F.S.

⁷¹ Sections 1002.33(12)(g)1., 1012.32(2)(b), 1012.465, and 1012.56(10), F.S.

employment.⁷² A charter school must disqualify any individual convicted of a disqualifying offense from employment in an instructional or school administrator position that requires direct student contact.⁷³

Prior to hiring an individual for an instructional or school administrator position with direct student contact, a charter school must conduct an employment history check and screen the person using DOE-provided educator screening tools. Such efforts, including any inability to contact previous employers, must be documented.⁷⁴

Effect of Proposed Changes

If a charter school has their employees undergo background screening through the school district in which the charter school is located, the bill requires the district to provide the background screening results of its governing board members and instructional and noninstructional personnel to the charter school within 14 days of the screening. If the district fails to do so, the fees for the screening must be waived.

Principal Autonomy Pilot Project Initiative

Present Situation

In 2016, the Principal Autonomy Pilot Project Initiative (PAPPI) was established within the DOE to provide principals of participating schools in participating school districts⁷⁵ with increased autonomy and authority over allocation of resources and staffing.⁷⁶ Each participating school district must identify three schools that received at least two school grades of “D” or “F” during the previous three school years, describe the areas in which increased autonomy will be granted, and state measurable goals regarding student achievement and operation efficiency. The principal assigned to each school must have earned a highly effective performance evaluation rating in the previous year.⁷⁷ Each participating principal, along with a three-member leadership team from each participating school and district personnel working with each school, must also complete a nationally recognized school turnaround program focusing on improving leadership, instructional infrastructure, talent management, and differentiated support and accountability.⁷⁸

In order to receive a salary supplement of \$10,000, the principal must be transferred to a school that earned a grade of “F” or three consecutive grades of “D” and must have implemented a turnaround option at a school as the school’s principal in which the school improved by at least one letter grade.⁷⁹

Among other things, the principal of a participating school is granted greater authority to hire qualified instructional personnel or refuse placement or transfer of such personnel and deploy financial resources to school programs at the principal’s discretion to help improve student achievement and meet goals identified in the district’s PAPPI proposal.⁸⁰

⁷² Section 435.04, F.S. The disqualifying offenses specific to Level 2 background screening are supplemented by additional disqualifying offenses specific to educator certification and employment of instructional personnel and school-based administrators. Section 1012.315, F.S.

⁷³ Sections 435.04, 1002.33(12)(g)2., 1002.33(12)(g)2., and 1012.315, F.S.

⁷⁴ Sections 1001.10(5) and 1002.33(12)(g)4., F.S.

⁷⁵ Participation in PAPPI is currently limited to the Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas, and Seminole school districts. See s. 1011.6202(1), F.S.

⁷⁶ See ch. 2016-223, L.O.F., *codified at* s 1011.6202, F.S. Plans were submitted to the State Board of Education by the Broward, Palm Beach, and Pinellas school districts. Each plan was approved by the state board at its March 22, 2017 meeting. See Florida State Board of Education, *Minutes State Board of Education Meeting* (May 16, 2017), available at <http://www.fldoe.org/core/fileparse.php/18491/urlt/minutes.pdf>.

⁷⁷ See s. 1011.6202(2)(a), F.S.

⁷⁸ Section 1011.6202(4), F.S.

⁷⁹ See s. 1011.6202(7), F.S.

⁸⁰ See s. 1012.28(8)(a) and (b), F.S.

A participating school is exempt from the provisions of chapters 1000-1013, F.S., and implementing state board rules, except for statutes pertaining to:⁸¹

- the election and compensation of school board members and the election, appointment, or compensation of district school superintendents;
- the student assessment program and school grading;
- the uniform start date;
- student progression and graduation;
- services to students with disabilities;
- class size, except compliance is calculated at the school, rather than classroom, level;
- civil rights and discrimination;
- student health, safety and welfare;
- educator evaluation, pay schedules, and employment contracts;
- school facilities, with certain exceptions;
- equitable distribution of Title I funds;
- public meetings and records public inspection and criminal and civil penalties;
- public records; and
- code of ethics for public officers and employees.

Each participating school must submit an annual report to the SBE, and the SBE must annually report on the implementation of the pilot project. At the end of the 3-year pilot, the commissioner must submit a full evaluation of the effectiveness of the program to the Senate President, the Speaker of the House of Representatives, and the Governor.⁸²

The initial term of the program is 3 years.⁸³ Thereafter, schools must receive authorization from the SBE to renew their participation in the program.⁸⁴

Effect of Proposed Changes

The bill expands PAPPI from a 3-year pilot to a statewide program and allows any school district, beginning with the 2018-2019 school year and contingent upon available funds, to submit a principal autonomy proposal to the SBE by December 1. If the SBE approves the proposal, the district is eligible to participate in the program for 3 years. The bill deletes the requirement that the commissioner submit an evaluation of the pilot program.

In addition, the bill establishes district-independent, autonomous schools. The purpose of such schools is to expand the impact of PAPPI principals by allowing them to manage one or more schools operated by a third-party governing board and providing the school with the same exemptions and administrative autonomy provided to participating PAPPI schools. The bill specifies that a school, whether a participating school or a school operated by an independent governing board and managed by a participating principal, continues its exemption from laws and rules beyond the initial 3-year period so long as the school receives a school grade no lower than a "B."

The bill specifies that a participating principal who successfully completes the school turnaround training may manage one or more schools operated by an independent governing board through a contract with the school board. Each member of the independent board must not be an employee of the school district or any school operated by the board.

For the purpose of tort liability, the independent governing board, autonomous school, and its employees or agents are subject to the same waiver of sovereign immunity in tort actions as the state,

⁸¹ See s. 1011.6202(3)(b), F.S.

⁸² Section 1011.6202(6), F.S.

⁸³ Section 1011.6202(5), F.S.

⁸⁴ *Id.*

state agencies and or subdivisions. The bill specifies that the district school board is not liable for civil damages under state law for the employment actions or personal injury, property damage or death resulting from an act or omission of an operator, the school of hope and its employees or agents.

The bill allows an autonomous school to be either a private or public employer and provides that employees of a public employer must be compulsory members of the Florida Retirement System.

Subject to appropriation each year, the DOE must:

- fund the costs of the program to include the administrative and enrollment costs for the school turnaround training program; and
- provide up to \$10,000 for each participating principal as an annual salary supplement for 3 years.

The bill revises salary supplement eligibility requirements to allow a participating principal to qualify by teaching at a school that earned two consecutive grades of “D” rather than three. The bill also specifies that a participating principal may qualify for a salary supplement by managing a school operated by the independent governing board.

Safety and Security Assessments

Present Situation

Florida law requires each district school board to formulate policies and procedures for emergency response drills and actual emergencies. These policies must include procedures for responding to various emergencies, such as fires, natural disasters, and bomb threats. Commonly used alarm system responses for specific types of emergencies must be incorporated into such policies. Additionally, school boards must establish model emergency management and preparedness procedures for weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure resulting from manmade emergencies.⁸⁵

Districts are required to use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the districts’ current safety and security practices. Each district school superintendent must make recommendations to the school board for improving emergency preparedness and response policies based upon the self-assessment results. The self-assessment results and superintendent’s recommendations must be addressed in a publicly noticed school board meeting. The results of the self-assessment and any school board action on the superintendent’s recommendations must be reported to the commissioner within 30 days after the school board meeting.⁸⁶

Effect of Proposed Changes

The bill requires each school district to conduct a security risk assessment at each public school site in the district in addition to a self-assessment of the school districts’ current safety and security practices. Both the risk assessment and self-assessment of current safety and security best practices will be conducted using a format prescribed by the department, rather than the practices developed by OPPAGA.

⁸⁵ Section 1006.07(4)(a)-(b), F.S.

⁸⁶ Section 1006.07(6), F.S.

Commissioner of Education Authority

Present Situation

The commissioner is the chief educational officer of the state, and is responsible for giving full assistance to the State Board of Education (SBE) in enforcing compliance with the mission and goals of the K-20 education system except for the State University System.⁸⁷ The commissioner's office operates all statewide functions necessary to support the SBE, including strategic planning and budget development, general administration, assessment, and accountability.⁸⁸ The commissioner is appointed by the SBE⁸⁹ and serves as the Executive Director of the DOE.⁹⁰

The DOE is responsible for coordinating, when necessary, the use of educational facilities during emergency activations among federal and state agencies, local school districts, colleges and universities.⁹¹ The DOE also serves as the primary liaison in coordinating all phases of emergency response from pre-disaster planning through post disaster recovery of educational facilities.⁹²

DOE staff members are assigned to serve as contacts (called "Emergency Management (EM) Buddies").⁹³ Staff for the Divisions of Blind Services and Vocational Rehabilitation perform the same function for their local offices.⁹⁴ In an emergency situation, the commissioner activates the EM Buddies for the affected areas of the state.⁹⁵ The EM Buddies provide the direct communications conduit between the DOE, district school superintendents, Florida College System (FCS) institution presidents, and state and local emergency operations centers.⁹⁶ The primary functions of the EM Buddies are to provide information directly to schools and districts, and to collect status information from district school superintendents, FCS institution presidents, and county emergency operations centers.⁹⁷ The role of the EM Buddies spans over three phases of an emergency event: preparedness for the emergency event and monitoring, survival of the event, and assessment of and recovery from the event.⁹⁸

DOE emergency management staff transmit instructions and specific requests to, and receive regular reports from, EM Buddies.⁹⁹ DOE emergency management staff organize information into regular

⁸⁷ Section 1001.10, F.S.

⁸⁸ *Id.*

⁸⁹ Art. IX, s. 2, Fla. Const.

⁹⁰ Section 20.15(2), F.S.

⁹¹ Florida Division of Emergency Management, *The State of Florida 2016 Comprehensive Emergency Management Plan, 2016 Draft Revision*,

[http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20\(COMPLETE%20FINAL%20DRAFT\).pdf](http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20(COMPLETE%20FINAL%20DRAFT).pdf), at 10 of ESF 6 Appendix.

⁹² Florida Division of Emergency Management, *The State of Florida 2016 Comprehensive Emergency Management Plan, 2016 Draft Revision*,

[http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20\(COMPLETE%20FINAL%20DRAFT\).pdf](http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20(COMPLETE%20FINAL%20DRAFT).pdf), at 10 of ESF 6 Appendix.

⁹³ Florida Department of Education, Presentation to the Senate Committee on Education, *Emergency Coordination of State and Local Entities* (Oct, 9, 2017), available at <http://www.flsenate.gov/Committees/Show/ED/Meeting%20Packet/3952>, at 2. The Board of Governors employs a similar process for the state universities. *Id.*

⁹⁴ Florida Department of Education, Presentation to the Senate Committee on Education, *Emergency Coordination of State and Local Entities* (Oct, 9, 2017), available at <http://www.flsenate.gov/Committees/Show/ED/Meeting%20Packet/3952>, at 2.

⁹⁵ Email, Florida Department of Education (March 17, 2017).

⁹⁶ Florida Department of Education, Presentation to the Senate Committee on Education, *Emergency Coordination of State and Local Entities* (Oct, 9, 2017), available at <http://www.flsenate.gov/Committees/Show/ED/Meeting%20Packet/3952>, at 3.

⁹⁷ *Id.*

⁹⁸ *Id.* at 4.

⁹⁹ *Id.* at 5.

reports for the commissioner¹⁰⁰ and State Emergency Operations Center on shelter status, school closings and openings, plans, and needs.¹⁰¹

Effect of Proposed Changes

The bill authorizes the commissioner to coordinate with school districts, Florida College System institutions, and the satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess their need for resources and assistance in the event of an emergency situation.

According to the DOE, the bill expands the commissioner's authority and responsibility for supporting all sectors during an emergency and will likely be helpful in securing necessary information in a timely manner before, during, and after any emergency situation.¹⁰² The needs assessment may expedite the provision of resources and assistance to enable each school, institution, or satellite office to reopen as soon as possible after considering the health, safety, and welfare of students and clients.¹⁰³

Industry Certification Teacher Bonuses

Present Situation

The Legislature allocates public education funding to Florida's 67 school districts through the Florida Education Finance Program (FEFP). The FEFP is a funding formula that helps to equalize education funding among Florida's geographically diverse school districts and is the primary mechanism for funding the operating costs of Florida school districts, which among other things, includes the payment of teacher salaries.¹⁰⁴

In addition to funding school district operating costs, the FEFP also includes funds for teachers who teach courses that lead to the attainment of a Career and Professional Education (CAPE) industry certification. Depending on the certification earned, a school district receives bonus funding of 0.1, 0.2, 0.3, 0.5, or 1.0 FTE.¹⁰⁵ Teacher bonus funding is awarded for each student taught by a teacher who provided instruction in a course that led to the student's attainment of a CAPE industry certification on the CAPE Industry Certification Funding List, as follows:

- A bonus in the amount of \$25 is awarded for a course with a weight of 0.1.¹⁰⁶
- A bonus in the amount of \$50 is awarded for a course with a weight of 0.2.¹⁰⁷
- A bonus in the amount of \$75 is awarded for a course with a weight of 0.3.¹⁰⁸
- A bonus in the amount of \$100 is awarded for a course with a weight of 0.5 or 1.0.¹⁰⁹

Effect of Proposed Changes

The bill provides the SBE with authority to adopt rules that establish criteria under which a student's industry certification may be rescinded. The bill also prohibits the award of a bonus to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates

¹⁰⁰ Email, Florida Department of Education (March 17, 2017).

¹⁰¹ Florida Department of Education, Presentation to the Senate Committee on Education, *Emergency Coordination of State and Local Entities* (Oct. 9, 2017), available at <http://www.flsenate.gov/Committees/Show/ED/Meeting%20Packet/3952>, at 5.

¹⁰² Email, Florida Department of Education (March 17, 2017).

¹⁰³ Florida Department of Education, *2018 Agency Bill Analysis for SB 436* (Oct. 16, 2017), at 2.

¹⁰⁴ See s. 1011.60, F.S. The performance salary schedule is funded from the same sources used to pay instructional personnel and school administrators under the grandfathered salary schedule.

¹⁰⁵ Section 1011.62 (1)(o), F.S. (2017)

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

the security or administration protocol of any industry certification examination that may lead to a bonus for student attainment of an industry certification.

Florida Virtual School

Present Situation

The Florida Virtual School (FLVS) is established for the development and delivery of online and distance learning education.¹¹⁰ The FLVS is a fully accredited public school choice providing elementary, middle, and high school curriculum to Florida residents for free. All courses are fully online.¹¹¹

The FLVS is available to students in all Florida school districts.¹¹² At the beginning of each school year, district school boards must notify parents of high school students of the opportunity and benefits of acceleration mechanisms and FLVS courses and options for early high school graduation.¹¹³ School districts must provide students at all grade levels with access to FLVS courses during and after the normal school day and through summer school enrollment.¹¹⁴

Public school students receiving full-time instruction in kindergarten through grade 12 by the FLVS must participate in the statewide assessment program. Public school students receiving part-time instruction by the FLVS in courses requiring statewide end-of-course assessments must take all end-of-course statewide assessments. Unless an alternative testing site is mutually agreed to by FLVS and the school district or as contracted by the school district, all statewide assessments must be taken at the school to which the student is assigned according to district school board attendance areas. A school district must provide the student access to the school's testing facilities.¹¹⁵

Effect of Proposed Changes

The bill specifies that industry certification examinations, national assessments, and statewide assessments offered by a school district must be available to all FLVS students. The bill also provides that such examinations and assessments must be taken at the school to which the student would be assigned according to local attendance areas unless an alternative testing site is agreed upon.

Dual Enrollment

Present Situation

The dual enrollment program is an acceleration mechanism that allows an eligible secondary¹¹⁶ or home education student to enroll in a postsecondary course creditable toward high school completion and an associate or baccalaureate degree or career certificate.¹¹⁷ Upon successful completion of a dual

¹¹⁰ Section 1002.37(1)(a), F.S. FLVS began as two independent programs in Alachua and Orange Counties. The two counties partnered to establish the FLVS as a grant-based pilot project in the 1996-97 academic year. In 2000, the Legislature removed the program's pilot status and statutorily codified the school. Chapter 2000-224, L.O.F

¹¹¹ Florida Virtual School, *Accreditation*, available at <https://www.flvs.net/meet-flvs/accreditation> (last visited May 3, 2016).

¹¹² Florida Virtual School, *Florida Virtual School 2014-15 Legislative Report*, at 5, available at <http://www.flvs.net/areas/aboutus/Pages/LegislativeReport.aspx> (last visited July 29, 2016).

¹¹³ Section 1003.02(1)(i), F.S.

¹¹⁴ Sections 1001.42(23) and 1003.498 F.S.

¹¹⁵ Section 1002.37(9), F.S.

¹¹⁶ For purposes of dual enrollment, "secondary" is defined as a student who is enrolled in grades 6-12 in a Florida public school or Florida private school. Section 1007.271(2), F.S.

¹¹⁷ Section 1007.271(1), F.S.

enrollment course, the student simultaneously receives high school and college, university or career certificate credit.¹¹⁸

Home education students can participate in the dual enrollment program. To participate in dual enrollment, a home education student must:¹¹⁹

- provide proof of enrollment in a home education program that meets statutory requirements;¹²⁰
- be responsible for his or her own instructional materials unless provided for in the articulation agreement; and
- sign a home education articulation agreement¹²¹ with the postsecondary institution in which the student plans to enroll.

Each postsecondary institution eligible to participate in the dual enrollment program is required to enter into a home education articulation agreement with each eligible home education student seeking enrollment in a dual enrollment course and the student's parent. Initial and continued eligibility requirements for home education students may not exceed those required of other dually enrolled students. Articulation agreements must be annually submitted by the postsecondary institution to the DOE on or before August 1.¹²²

In addition, each eligible postsecondary institution must also enter into a private school articulation agreement with each eligible private school in its geographic service area. The private school articulation agreement must include:¹²³

- a delineation of courses and programs available to the private school student;
- the initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students;
- the student's responsibilities for providing his or her own instructional materials and transportation;
- a provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program;
- a provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student; and
- a provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.

Currently, a dual enrollment student is not required to pay registration, tuition or lab fees for dual enrollment courses taken at a public postsecondary career center, Florida College System (FCS) institution or state university.¹²⁴ Home education students are responsible for their instructional materials and transportation. However, a FCS institution is not prohibited from providing instructional materials at no cost to a home education student.¹²⁵

Effect of Proposed Changes

The bill deletes the requirement that a home education articulation agreement include a provision establishing a student's responsibility for providing his or her own instructional materials. The bill also deletes the requirement that a private school articulation agreement include a provision stating whether

¹¹⁸ Florida Department of Education, Office of Articulation, *Dual Enrollment Frequently Asked Questions*, available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf> (last visited March 15, 2017).

¹¹⁹ Section 1007.271(13), F.S.

¹²⁰ Requirements for home education programs are outlined in s. 1002.41, F.S.

¹²¹ Section 1007.271(13)(b), F.S.

¹²² *Id.*

¹²³ *See* s. 1007.271(24)(b), F.S.

¹²⁴ Section 1009.25(1)(a), F.S.; section 1007.271(2) and (16), F.S.

¹²⁵ Section 1007.271(17), F.S.

the private school will compensate the postsecondary instruction for the standard tuition rate per credit hour.

Other Provisions

The bill also removes obsolete language requiring the DOE to develop a statewide operating electronic Individual Educational Plan (IEP) system by July 1, 2007. The DOE launched the IEP system before the deadline.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.10, F.S.; authorizing the Commissioner of Education to coordinate resources during an emergency.

Section 2. Amends s. 1001.51, F.S.; revising the authority of superintendents to organize schools.

Section 3. Amends s. 1013.23, F.S.; requiring school districts to provide charter schools access to surplus property on the same basis as public schools.

Section 4. Amends s. 1008.22, F.S.; requiring reading passages and writing prompts for ELA assessments to include social studies content; requiring paper assessments for specified grades in specified subjects; requiring published assessment items to be in a format that facilitates sharing of assessment items.

Section 5. Amends s. 1002.33, F.S.; clarifying the criteria for reviewing high-performing charter school system applications; revising requirements for charter terminations; revising the process for resolving contractual disputes.

Section 6. Amends s. 1012.562, F.S.; authorizing charter schools and charter management organizations to offer school leader preparation programs.

Section 7. Amends s. 1011.6202, F.S.; renaming the Principal Autonomy Pilot Program Initiative; expanding the pilot statewide; creating district-independent autonomous schools.

Section 8. Amends s. 1007.271, F.S.; removing requirement for home education students to provide instructional materials; removing requirement for provision governing compensation of postsecondary institution by a private school.

Section 9. Amends s. 1012.98, F.S.; requiring professional development resources to include sample course-at-a-glance and unit overview templates.

Section 10. Amends s. 1002.331, F.S.; revising criteria for high-performing charter school status; revising provision for determining facility capacity; revising the number of schools that can be established by a high-performing charter school.

Section 11. Amends s. 1006.07, F.S.; revising district school board duties to include security risk assessments; requiring certain self-assessments to be in a specified format.

Section 12. Amends s. 1003.576, F.S.; deleting an obsolete provision.

Section 13. Amends s. 1012.32, F.S.; requiring district school board to notify charter school of eligibility status of employees.

Section 14. Creates s. 1002.411, F.S.; establishing reading scholarship accounts for specified purposes; providing for eligibility for scholarships under the program; providing for administration;

providing duties of the Department of Education; providing school district obligations; specifying options for parents; providing that maximum funding shall be specified in the General Appropriations Act; providing for payment of funds; specifying that no state liability arises from the award or use of such an account.

Section 15. Amends s. 1002.385, F.S.; revising eligible expenditures; conforming provisions to changes by the act.

Section 16. Amends s. 1002.421, F.S.; providing private school requirements for participation in educational scholarship programs; providing background screening requirements and procedures for owners of private schools; providing that a private school is ineligible to participate in an educational scholarship program under certain circumstances; providing the Department of Education obligations relating to education scholarship programs; providing Commissioner of Education authority and responsibilities for educational scholarship programs; authorizing the commissioner to deny, suspend, or revoke a private school's participation in an educational scholarship program.

Section 17. Amends s. 1002.39, F.S.; conforming provisions to changes by the act.

Section 18. Amends s. 1002.395, F.S.; conforming provisions to changes by the act; revising requirements for report of participating students.

Section 19. Amends s. 1002.37, F.S.; requiring school districts to provide Florida Virtual School students access to certain assessments.

Section 20. Amends s. 1011.62, F.S.; prohibiting certain bonuses to teachers who fail to maintain assessment security.

Section 21. Provides an appropriation to implement the amendments to s. 1002.395(9), F.S.

Section 22. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments, *infra*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

It is likely that the following sections of the bill will have a fiscal impact:

- Section 4., which expands the requirement that all statewide, standardized English language arts and math assessments in grades 3 through 6 be paper based by the 2018-2019 school year to include grades 7 and 8.
- Section 8., which deletes the requirement that a home education articulation agreement include a provision establishing a student's responsibility for providing his or her own instructional materials and deleting the requirement that a private school articulation agreement include a provision stating whether the private school will compensate the postsecondary instruction for the standard tuition rate per credit hour.
- Section 9., which requires the development of resources to include sample course-at-a-glance and unit overview templates for teacher professional development.
- Section 14., which establishes the Reading Scholarship Program to provide funds for public school students who score a Level 1 or Level 2 on the grade 3 statewide, standardized English language arts assessment to purchase certain programs and services that will assist them in improving their reading skills.
- Section 16., which streamlines and consolidates private school eligibility, the Department of Education's obligations, and the Commissioner's authority with regard to the John M. McKay, Gardiner and Florida Tax Credit scholarships.

The total estimated fiscal impact of these sections of the bill is indeterminate at this time but is likely significant.

The bill appropriates the sum of \$250,000 in recurring funds from the General Revenue Fund to the Department of Education to issue a competitive grant award to a state university to implement the applicable provisions of Section 18. of the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides the State Board of Education rulemaking authority to establish criteria under which a student's industry certification may be rescinded.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 25, 2018, the Education Committee adopted two amendments and reported the bill favorably. The first amendment corrects a cross reference in the appropriation. The second amendment limits the timeframe private schools participating in state scholarship programs have to correct noncompliance to 45 days.